

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Liquefied Petroleum Gas

Annual Assessment

Proposed Amendments: N.J.A.C. 5:18-8.1 and 5:18 Appendix B

Authorized By: Richard E. Constable, III, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 34:1A-3(e) and 21:1B-15; and Reorganization Plan No. 002-1998.

Proposal Number: PRN 2014-069.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Submit written comments by August 1, 2014, to:

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The agency proposal follows:

Summary

The Department of Community Affairs (Department) proposes to increase the per gallon assessment on liquefied petroleum gas (LPG) from seven-fifteenths of a cent per

gallon to one-half of a cent per gallon, to be effective upon the effective date of this amendment. This assessment is imposed at the time of importation of the gas into the State of New Jersey or its odorization, whichever is earlier. This change is proposed at N.J.A.C. 5:18-8.1 and 5:18-8 Appendix B, Forms LPG-1 and LPG-4. N.J.S.A. 21:1B-15 allows an increase in the assessment in an amount not exceeding one-tenth of a cent per gallon per year, until the maximum amount of one-half of one cent per gallon is reached.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The increase in the fee is necessary to satisfy the statutory requirement that the assessment be sufficient to cover the cost of administering the LPG safety program. The program is necessary in order to ensure the safe storage and distribution of LPG.

Economic Impact

The proposed amendment would increase the assessment for each gallon of LPG that is either odorized in this State or imported from another jurisdiction from seven-fifteenths of a cent to one-half of a cent. Based on current levels of assessment, the increase in annual revenue would be about \$32,766. The assessment is imposed upon the person owning the LPG immediately prior to its odorization.

Federal Standards Statement

No Federal standards analysis is required because the amendment is not being proposed under the authority of, or in order to implement, comply with, or participate in any program established under Federal law or a State statute that incorporates or refers to Federal law, standards, or requirements.

Jobs Impact

The Department does not anticipate that the proposed amendment would result in the creation or loss of any jobs.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendment would have any effect on the agricultural industry.

Regulatory Flexibility Analysis

The increased assessment would apply equally to those businesses that are subject to it by statute, regardless of whether they are "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Reporting and recordkeeping requirements already exist with regard to the annual assessment. The records required for these reports would be maintained in the ordinary course of business and would not necessitate the use of professional services for that purpose. The only compliance requirement that is added is the increase of one-thirtieth of a cent in the amount required to be paid per gallon, to the maximum assessment amount allowed by statute.

Housing Affordability Impact Analysis

The proposed amendment will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules would only add one-thirtieth of a cent per gallon to the annual assessment on liquefied petroleum gas.

Smart Growth Development Impact Analysis

The Department does not expect that the proposed amendments would have any effect upon achievement of smart growth and there is an extreme unlikelihood that the proposed amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules would only add one thirtieth of a cent per gallon to the annual assessment on liquefied petroleum gas.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 8. ANNUAL ASSESSMENTS AND FEES FOR INSPECTIONS OF FACILITIES USING NON-ODORIZED LP-GAS

5:18-8.1 Amount of annual assessment

Beginning [July 1, 2009] **(the effective date of this proposed amendment)**, and in every State fiscal year thereafter, there shall be an annual assessment levied upon

liquefied petroleum gas in the amount of [seven-fifteenths] **one-half** of one cent per gallon.

(**Agency Note:** The text of N.J.A.C. 5:18-8 Appendix B, Forms LPG-1 and LPG-4 follows without proposed change symbolization, the amendments are described in the Summary above; those portions of the appendix forms appearing in boldface are intended to be so permanently.)

APPENDIX B

STATE OF NEW JERSEY
Department of Community Affairs
Division of Codes and Standards
BUREAU OF CODE SERVICES

LPG-1

Assessment Remittance Report

This information is required for verification of assessments due on sales or import of odorized LP-Gas. Response is required by the rules adopted pursuant to N.J.S.A. 21:1B.
(All forms may be duplicated as needed for reporting BCS assessments. Additional copies of forms are available by calling or writing the Bureau of Code Services office at 609-633-6835.)

Section 1.						
Company name: _____						
Mailing Address: _____						
City: _____ State: _____ Zip Code: _____						
Contact Telephone No.: _____ Fax No.: _____						
Must be completed		For BCS Use Only				
This report covers the semi-annual period from _____ to _____, 20____.		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">\$ Amt. Received</td> <td style="width: 50%; text-align: center;">\$ Amt. Enclosed</td> </tr> <tr> <td style="height: 40px;"></td> <td></td> </tr> </table>	\$ Amt. Received	\$ Amt. Enclosed		
\$ Amt. Received	\$ Amt. Enclosed					

Section 2.						
Odorization Point (Name, City & State)	Gallons Odorized	Assessment	Amount Due			
		x \$.005				
		x \$.005				
		x \$.005				
		x \$.005				
		x \$.005				
		x \$.005				
Total amount collected on this page:						
Total amount carried forward from - attached pages:						
Adjustments / Penalties / Interest (attach explanation):						
Total amount remitted:			\$			
<p>• Items are due no later than the 25th day of July and January (semi-annually).</p> <p style="margin-left: 20px;">- A 5 percent penalty will be due on payments received after the due date.</p> <p style="margin-left: 20px;">- Interest of 1 percent per month will be assessed on payments overdue by 30 days or more.</p> <p><input type="checkbox"/> Check here if additional sheets were required to complete your remittance report.</p> <p><input type="checkbox"/> Check here if this report is also intended to serve as your official Odorization Report.</p>						
<p>I, the undersigned, hereby certify that I was the owner of the stated volumes of LP-Gas at the time they were odorized or imported into New Jersey and that the information contained in this report is true and accurate.</p> <table style="width: 100%;"> <tr> <td style="width: 45%;">Signature of Corporate Office or Authorized Person _____</td> <td style="width: 30%;">Printed name and title _____</td> <td style="width: 25%;">Date _____</td> </tr> </table> <p>Make check payable to: Treasurer State of New Jersey. Mail form(s) and check to: Department of Community Affairs, Bureau of Code Services, P.O. Box 816, Trenton, NJ 08625-0816</p>				Signature of Corporate Office or Authorized Person _____	Printed name and title _____	Date _____
Signature of Corporate Office or Authorized Person _____	Printed name and title _____	Date _____				

STATE OF NEW JERSEY
Department of Community Affairs
Division of Codes and Standards
BUREAU OF CODE SERVICES

LP6-1

Assessment Remittance Report
(Continuation Page)

This page _____ of _____ pages submitted by _____
(Company Name)
for the semi annual period from _____ to _____ 20_____

Please sign the certification on page 1



Odorization Point (Name, City & State)	Gallons Odorized	Assessment	Amount Due
		x \$.005	
		x \$.005	
		x \$.005	
		x \$.005	
		x \$.005	
		x \$.005	
		x \$.005	
		x \$.005	
		x \$.005	
		x \$.005	
		x \$.005	
		x \$.005	
		x \$.005	
		x \$.005	
		x \$.005	
		x \$.005	
		x \$.005	
		x \$.005	
		x \$.005	
		x \$.005	
		x \$.005	
		x \$.005	
		x \$.005	
		x \$.005	
		x \$.005	
Total amount figured from this page:			

Please reproduce this page as necessary to complete the Assessment Remittance Report

STATE OF NEW JERSEY
Department of Community Affairs
Division of Codes and Standards
BUREAU OF CODE SERVICES

LPG-4

LP-GAS MONTHLY USAGE REPORT

FOR THE PERIOD FROM _____ TO _____ 20____

PURCHASER: COMPANY NAME & ADDRESS	TOTAL GALLONS	TOTAL ASSESSMENT (one-half of one cent per gallon)
TOTALS		

☐ No LPG sold during this month.

Assessments are in accordance with Title 21:1B-15 and are due by the 25th day of the months of January and July.

I certify that the above information is true and correct.

Signature & Title

Date

Company Name & Phone Number
